

Telephone: (314) 539-7770

February 20, 2004

Ms. Justine Livesay
814 Troy Road
Edwardsville, IL 62025

Re: Children's Center for Behavioral
Development
Case 14-RD-1814

Dear Ms. Livesay:

The Region has carefully investigated and considered your petition involving Children's Center for Behavioral Development and The Children's Center Federation of Teachers Local 4485, IFT/AFT, AFL-CIO seeking a determination of representative under Section 9(c) of the National Labor Relations Act, as amended.

Decision to Dismiss: The Union is the certified collective-bargaining representative of the unit of employees involved herein. On October 21, 2003, the Union filed a charge in Case 14-CA-27617, alleging that the Employer had engaged in certain conduct in violation of Section 8(a)(1) and (5) of the Act. On January 29, 2004, I issued a Complaint and Notice of Hearing in that case, alleging, among other things, that the Employer violated Section 8(a)(1) and (5) of the Act, by acts and conduct including failing and refusing to execute a collective-bargaining agreement reached in negotiations, failing and refusing to provide requested information, making unilateral changes in terms and conditions of employment, and bypassing the Union and dealing directly with its employees. Accordingly, a question concerning representation cannot be raised at this time, and the petition is hereby dismissed.

Your Right to Request Review: The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file a request for review, your attention is directed to the following:

Request for Review Due Date: The request for review must be received by the National Labor Relations Board in Washington, D.C. by the close of business at 5 p.m. (EST) on March 5, 2004. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date. The request for review **MAY NOT** be filed by facsimile transmission.

Extension of Time to File Request for Review: Upon good cause shown, the Board may grant special permission for a longer period to file the request for review. Any request for an extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and **must** be received no later than the request for review due date indicated

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above. The request for an extension of time may be filed by mail or by facsimile transmission. The fax number is (202) 273-4270. A copy of any request for an extension of time should be sent to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons why you want a review of the decision to dismiss your petition.

Address for Request for Review. The request for review should be addressed to the Executive Secretary, National Labor Relations Board, Franklin Court Building, 1099 14th Street, Washington, D.C. 20570. You should send a copy of the request for review to me, and to the other parties shown below.

Very truly yours,

Ralph R. Tremain
Regional Director

cc: Executive Secretary
National Labor Relations Board
Franklin Court Building
1099 14th Street, N.W.
Washington, DC 20570

Ms. Carolyn Birth, Executive Director
Children's Center for Behavioral Development
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